



NEVADA
VIRTUAL ACADEMYSM

powered by K¹²

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SPECIAL EDUCATION PROCEDURES MANUAL

December 2008

Nevada Virtual Academy

Special Education Policies and Procedures

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Nevada Virtual Academy

Special Education Policies and Procedures

Position Statement

NVVA is committed to the philosophy that all children regardless of intellectual, physical, perceptual, academic, emotional, or environmental differences deserve free and appropriate educational opportunities designed to develop individual potential. The NVVA recognizes that accomplishing this objective requires educational opportunities that are supplemental to general education curriculum and instruction. These opportunities are enhanced through cooperation among educators, parents, and other service providers.

Mission

The mission of Nevada Virtual Academy is to educate each student to become a productive member of society with knowledge of responsibilities and rights by providing an appropriate education for students with disabilities. NVVA attempts to build and forge educational relationships with student and parents. This education will emphasize individual achievement, individual self worth, and acknowledgement of individual accomplishments.

Purpose

The purpose of this Procedural Manual is to provide school staff, service providers, parents, and students with information relevant to the operation of the Special Services programs. It reflects current requirements in federal and state law and should serve as a useful guide not only in providing needed services, but also in providing technical assistance to staff members in carrying out their assigned responsibilities.

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CONFIDENTIALITY

The confidentiality of personally identifiable information about students with disabilities is protected through the Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA), and the Nevada Administrative Code (NAC). Except under limited circumstances, confidential information contained in education records cannot be accessed or disclosed without the consent of the parent or the student, if not a minor. Confidentiality is critical to the special education process and must be strictly observed. This policy is not intended to inhibit professional communication, but rather to ensure that confidential information about students and their families is treated appropriately.

Definitions

1. Directory information. Information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous
2. Disclosure. To permit access to, or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records, to any party, by any means, including oral, written, or electronic means.
3. Education records. Records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. The term does not include records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record; certain law enforcement records; certain employment records; certain records on a student 18 years of age or older; and certain records that only contain information about an individual after he or she is no longer a student at that agency or institution.

The following types of documents represent common information of this nature:

- a. Written assessment and diagnostic findings and other documentation (medical, sociological, psychological, or academic) that is used for determining eligibility for special education or for determining an appropriate program. This includes test protocols utilized during the assessment process.
- b. Official correspondence that includes information about the student or the student's family.
- c. Confidential documents provided by other agencies or programs that were provided through a written release of information by the parents or specifically identified as confidential information.
- d. Written information provided by the parents that is included in the student's confidential special education records at the request of the parents.

This is not an exclusive list, and there are other types of information that qualify as confidential information.

4. Eligible student. A student who has reached 18 years of age or is attending an institution of post secondary education.
5. Personally identifiable information. Includes but is not limited to the student's name, the name of the student's parent or other family member, the address of the student or student's family, a

personal identifier (such as the student's social security number or student number), a list of personal characteristics that would make the student's identity easily traceable, or other information that would make the student's identity easily traceable.

6. Record. Any information recorded in any way, including but not limited to, handwriting, print, tape, film, microfilm, and microfiche.

Maintenance of Records

The records custodian must ensure that all educational records are maintained in a secure location. File cabinets and other storage containers that are used to store such records and documents must be locked and remain locked except for access by authorized personnel. The school principal is responsible for security of special education records and management of confidential information at each school site; however, he/she may designate a staff person to assist with this responsibility. No education records may be removed without first entering the appropriate information (name, date, reason for access) in the record log. Records should be maintained with the oldest documents on the bottom and the newer documents on top, in chronological order.

Directory Information

The school may disclose directory information without written consent if a notice has been given to parents or eligible students regarding the types of information that will be disclosed, as well as notification of their right to refuse disclosure of any or all information that the school considers directory information.

Although directory information may be disclosed without consent, great care should be taken as to the method of disclosure. For example, identifying special education students as such in a list posted in school hallways, the faculty lounge, or in school bulletins would violate FERPA.

Parents may prohibit the disclosure of directory information by providing a written request to this effect.

Inspection and Review of Educational Records

1. Timelines for access. Parents have the opportunity to inspect and review any educational records relating to their child which are collected, maintained or used by the school. The school must comply with a request to inspect and review without unnecessary delay and in any event before any meeting regarding an IEP or a due process hearing relating to identification, evaluation, educational placement, or the provision of a free appropriate public education, and not later than 45 days after the request has been made. The policy in Nevada Virtual Academy is to respond to a request to inspect and review records within ten (10) working days after the request has been made.
2. Interpretations and explanations. Parents have the right to obtain reasonable interpretations and explanations of the information contained in the educational records. The parents may make reasonable requests for the school to explain and interpret the records, and to have their representative inspect and review the records.
3. Copies of records. The parents may request that the school provide them with copies of the records, if, without the copies, any meaningful review of the records is impractical. The school may charge a reasonable fee for photocopying records.
4. Authority of parent. The school may presume that the parent has the authority to inspect and review records relating to the student unless the school has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation or divorce. In Nevada Virtual Academy, it will be necessary for the school to have a copy of any such legal document prior to denying a parent access to the records.

5. Record of access. The school shall keep a record of the persons other than parents and authorized employees given access to educational records. The record must include the person's name, date of access, and purpose for which the person is authorized to use the records.
6. Records on more than one student. If any educational record contains information on more than one student, the parents may inspect and review only the information relating to their child or be informed of that specific information.
7. List of types and locations of records. Upon request the school shall maintain and provide to parents a list of the types and locations of educational records it collects, maintains or uses relating to students.
8. Fees. If the school charges a fee for copies of records made for parents, the amount of the fee cannot effective!), prevent the parents from exercising the right to inspect and review those records. No fee may be charged for the search or retrieval of the information.

Amendment of Educational Records

1. A parent who believes that information in educational records is inaccurate, misleading or violates the privacy or other rights of the student may request an amendment of that information. The school shall determine whether to amend the information within a reasonable period of time after receipt of the request. If the decision is to refuse to amend the information, the school shall inform the parent of the refusal in writing, including the reason for the refusal and the right to a hearing.
2. Upon request, the school shall provide an opportunity for a hearing to challenge information in educational records.
3. If, as a result of the hearing, it is decided that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the school shall amend the information accordingly and inform the parents in writing.
4. If it is decided that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the parent may place in the records a statement commenting on the information or setting forth any reasons for disagreeing with the decision.

The district shall notify the parent that the parent has a right to include such a statement in the record.

The school shall retain any such explanation placed in the records as part of the records as long as the record or contested portion is maintained. If the records are disclosed to any person, the explanation must also be disclosed.

5. Any hearing held regarding the amendment of records must be conducted in accordance with FERPA and other applicable procedures.

Confidentiality of Records

The school shall not disclose personally identifiable information except as authorized by law.

The school may include student teachers and related service interns among those who have a legitimate educational interest in accessing educational records pursuant to policies developed in accordance with FERPA.

Safeguards

Nevada Virtual Academy will ensure that all school staff that collect or use personally identifiable information receive training to ensure the confidentiality of such information. The school shall:

1. Protect the confidentiality of personally identifiable information at its collection, storage, disclosure and destruction;
2. Appoint one official to assume responsibility for ensuring the confidentiality of any personally identifiable information;
3. Train or instruct all persons collecting or using personally identifiable information regarding confidentiality procedures; and
4. Maintain a current listing for public inspection of the names and positions of those employees within the district who may have access to personally identifiable information.

Storage of Inactive Confidential Records

Inactive special education records and all confidential information maintained on students will be maintained in a secure location at the school. Files will also be sent to school districts whom the student currently resides if withdrawn from NVVA.

Destruction of information

The school shall also:

1. Inform parents when the personally identifiable information is no longer needed to provide educational services to the student;
2. Maintain a permanent record of the student's name, address, telephone number, grades, attendance, classes attended, grades completed and the year completed; and
3. Upon the request of the parent, destroy any personally identifiable information except the information listed in (2), which is no longer necessary to provide educational services.

Consent Required for Access to Records

Parental consent will be obtained before personally identifiable information is disclosed to anyone other than authorized individuals or agencies; or used for any purpose other than meeting a requirement under IDEA. The school will not release information from education records to participating agencies without parental consent unless authorized to do so under FERPA (see *RELEASE/CONSENT TO EXCHANGE CONFIDENTIAL INFORMATION*).

Who May Access Records Without Consent

There are several situations where the school district may disclose education records of a student without written consent of the parent or eligible student. The most common situations affecting special education students are explained below:

1. To school officials with a legitimate educational interest, including any administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school

official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

The Special Education Manager is the school official in charge of educational records and shall determine whether a school official is seeking information to carry out his/her official duties and whether the specific information sought is necessary in carrying out those duties.

2. To comply with a judicial order or lawfully issued subpoena If the education records of a student are subpoenaed, the school needs will make a reasonable effort to notify the parent or student (if 18 years of age or older) before complying with the subpoena. This is intended to allow the parent/student the opportunity to quash or challenge the subpoena.
3. To authorized representatives of federal or state agencies who are engaged in audit or compliance activities. In such a case, the representatives must sign a record of access stating the purpose of their need to access the education record.
4. The school may disclose personally identifiable information about a student from confidential records in an emergency if the information is necessary for the health or safety of the student or other individuals.
5. To officials of another school, school system, or institution of post secondary education where the student seeks or intends to enroll.
6. To other entities specified in FERPA, 34 CFR Part 99, §99.31.

PROCEDURAL SAFEGUARDS

Procedural safeguards are specific rights and guarantees given to parents and students through state and federal laws to protect them in matters related to identification, evaluation, educational placement, and the provision of a free appropriate public education. Collectively, these rights and guarantees are referred to as procedural safeguards, and are described for parents in a document disseminated by the Nevada Department of Education entitled "*Special Education Rights of Parents and Children*."

The IDEA requires that parents be given an opportunity to participate in meetings with respect to the identification, evaluation, educational placement, and provision of a free appropriate public education for students with disabilities. A meeting does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

Definitions

1. **Consent.** Parents must give informed written consent which means that they have been fully informed of all information relevant to the activity for which consent is sought, in their native language or other mode of communication. Parents must understand and agree in writing to the carrying out of the activity for which their consent is sought. The request for consent must describe the activity and list the records (if any) which will be released and to whom. Parents must also be informed and understand that the granting of consent is voluntary on their part and may be revoked at any time. Parents must be informed and understand that if consent is revoked, the revocation is not retroactive—that is, consent is revocable only to the extent that the activity has not been completed.
2. **Evaluation.** Evaluation procedures are used to determine if a student has a disability and the nature and extent of special education and related services that are needed by that student. The term refers to procedures that are individually administered and used selectively with a student and does not include basic tests or procedures used with all students in school (e.g., group achievement tests, general screenings, etc.).
3. **Notice.** The school will provide the parents with prior written notice (see *PARENTAL PRIOR WRITTEN NOTICE*) a reasonable time before proposals or refusals to initiate or change the identification, evaluation, educational placement, or provision of a free appropriate public education to a student. The notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the school must translate the notice orally so that the parent understands the content of the notice and maintain written evidence that these steps were taken.

The notice must contain the following information:

- a. A description of the action proposed or refused by the school;
- b. An explanation of why the school proposes or refuses to take the action;
- c. A description of other options the school considered and the reasons why those options were rejected;
- d. A description of each evaluation procedure, assessment, record, or report used by the school as the basis for the proposed or refused action;
- e. A description of the factors that are relevant to the school districts proposal or refusal;
- f. A statement that the parents of a child with a disability have protection under the procedural safeguards of IDEA and, if the notice is not an initial referral for an evaluation,

- the means by which a copy of the description of the procedural safeguards can be obtained; and
- g. Contact sources for parents to obtain assistance in understanding the provisions of special education law.
4. Procedural safeguards. A copy of procedural safeguards (the "rights" document) must be provided to parents **AT LEAST ONCE PER YEAR** and at the following junctures:
- Initial referral for evaluation or upon parent request for an evaluation
 - Upon the first request for a due process hearing in a school year
 - Upon the first request for a complaint investigation in a school year (the Nevada Department of Education provides this copy to the parent)
 - Upon request by the parent
 - On the date a decision is made to make a removal that constitutes a disciplinary change of placement
5. Parent. As used in this section, the term parent refers to biological or adoptive parents, a foster parent, a guardian generally authorized to act as the child's parent (but not the state if the child is a ward of the state), an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare, a surrogate parent, or a person identified through judicial decree or order to act as the "parent" of a child or to make educational decisions on behalf of a child, or the student, if he or she has reached the age of 18. A non-custodial divorced parent also has the right to participate in special education proceedings regarding his or her children. All of the rights that are afforded to parents transfer to the student when he or she is age 18, unless the student has been adjudged incompetent by a court of competent jurisdiction and a guardian has been appointed.

Unless a judicial decree or order has identified a person to act as the parent, the biological or adoptive parent, when attempting to act as the parent under this part and when more than one party is qualified to act as a parent, is presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

6. Surrogate Parent. A surrogate parent is a person appointed by the school to represent the interests of a student when neither of the student's parents can be identified or located, or the student is a ward of the State of Nevada, or the student is an unaccompanied homeless youth. A surrogate parent has all the special education rights and authority ordinarily afforded to other parents. In the case of a child who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the child's case, provided that the surrogate meets the requirements described below. If the student is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents.

Informed Written Consent

1. Reasonable steps to obtain consent. The school must take and document reasonable steps to obtain parent consent when consent must be obtained before the school can proceed with its evaluation and service provision responsibilities. Reasonable steps which must be taken and carefully documented include:
- Detailed records of telephone calls made or attempted and the results of those calls
 - Copies of correspondence sent and responses received
 - Detailed records of visits to home or place of employment and results
2. Consent requirements. informed written consent from a student's parents is required in the following instances:

- When the school initially proposes to evaluate a student to determine his or her eligibility for special education and related services (see *EXPLANATION OF ASSESSMENT PROCEDURES*.)
 - If the parent refuses to consent to an initial evaluation, or fails to respond to a request to obtain consent, the school may but is not required to pursue the evaluation through mediation and/or due process. If the school does not initiate mediation or due process proceedings, the school will not be found to have violated its obligations for child find/identification or evaluation, and the school will not be deemed to have knowledge the student was a student with a disability for discipline purposes.
- When the school proposes the initial provision of special education and related services for the first time (*PARENTAL CONSENT FOR PLACEMENT*.)
 - If the parent refuses to consent, or fails to respond to a request to obtain consent for the initial provision of special education and related services, the school will NOT pursue the provision of services through mediation and/or due process. The school will not be found to have violated its obligations for the provision of a free appropriate public education, and the school will not be deemed to have knowledge the student was a student with a disability for discipline purposes.
- When the school conducts a reevaluation that requires assessment(s) in addition to information already available to the team (see *EXPLANATION OF ASSESSMENT PROCEDURES*.)
 - If the parent refuses to consent, the school may but is not required to pursue the re-evaluation through mediation and/or due process. If the district does not initiate mediation or use process proceedings, the district will not be found to have violated its obligations for child find/identification or evaluation, and the district will not be deemed to have knowledge the student was a student with a disability for discipline purposes. If the parent has not responded to a request for consent for reevaluation, the school may proceed with the reevaluation if the school can document it has taken reasonable measures to obtain consent and the student's parent has failed to respond.

CONTACT THE SPECIAL EDUCATION MGR. IN ALL INSTANCES WHERE PARENTS REFUSE TO CONSENT OR FAIL TO RESPOND TO REQUESTS TO OBTAIN CONSENT.

3. Additional information: Consent for initial provision of special education services. Informed written consent for initial provision of special education services must be obtained from parents before a student may receive services. Consent is obtained using the *PARENTAL PRIOR WRITTEN NOTICE* form.

In most circumstances, parents sign this form when they attend the student's initial IEP meeting. However, in instances where the parents refuse or do not attend after reasonable attempts are made to involve them in the initial IEP meeting, the school must take reasonable steps to attempt to obtain written consent for initial provision of services through other means. This might include telephone calls, correspondence, and sending the proposed IEP and consent form to the parents through the mail with a pre-addressed and postage paid envelope enclosed. When possible, school staff could also take the form to the parent's home or place of employment. Each of these attempts must be carefully documented. If the parent withholds consent for the initial provision of special education and related services, IEP services CANNOT be provided.

Although federal law does not require that the school prepare an IEP prior to obtaining consent for the initial provision of special education and related services, the school will draft a proposed IEP if parents will not participate in the IEP development, and send the proposed IEP to the

parent along with the consent form and a *PARENTAL PRIOR WRITTEN NOTICE* proposing development and implementation of IEP services as described in the attached IEP.

The school is only required to obtain *PARENTAL PRIOR WRITTEN NOTICE* once, before the student is initially placed in a program of special education. Thereafter, the procedures regarding notice and IEP development, review, and revision apply.

4. Re-evaluations requiring additional data. Parent consent is not required before reviewing existing data as part of an evaluation or reevaluation, or before administering a test that is administered to all children unless consent is required of all parents. If the IEP Committee and eligibility team need additional data before completing a reevaluation, consent must be obtained.
5. Withdrawing consent. Consent for evaluation, reevaluation, or the initial provision of special education services may be revoked at any time. However, revocations are not retroactive. A revocation will not negate an action that has occurred after the consent was given and before the consent was revoked. For example, if a parent wishes to revoke consent for an initial evaluation, and the evaluation has already been completed, the revocation is ineffective. Similarly, if the parent revokes consent for the initial provision of special education and related services, and the services have already begun, the revocation is ineffective. However, the parent may use mediation and/or due process to disagree with the district's intent to continue to provide services. Also, the school may initiate a reevaluation to determine whether the student continues to be eligible for services. A student is only eligible for services if the student has a disability AND needs special education.
6. Subsequent to the initial evaluation and the initial provision of special education and related services, the school must use written notice to ensure that parents understand any action the school proposes or refuses. This might include the need for assessments determined necessary by the student's IEP Committee in order to provide appropriate services, or completion of a functional behavioral assessment at a time not consistent with the three-year reevaluation juncture.
7. Consent is also required in certain circumstances before the school district discloses personally identifiable information. See Confidentiality section for further information.

Prior Written Notice and Notification Regarding ET/IEP Meetings

1. Prior Written Notice. In general, prior written notice is required whenever the school proposes or refuses to take an action related to the identification, evaluation, educational placement, or provision of a free appropriate public education for a student (see *PARENTAL PRIOR WRITTEN NOTICE*)

The following list identifies common situations- where the district is required to provide parents with prior written notice:

The school proposes to evaluate or reevaluate the student

The school proposes to develop the student's initial or annual IEP and has specific proposals for content

The school proposes to implement an IEP developed without the consensus of the parent

The school proposes to conduct an initial evaluation or reevaluation without obtaining additional data

The school proposes to change the student's special education placement or IEP services

The school proposes to terminate special education services (including termination of eligibility through a reevaluation process, or graduation from high school)

The school proposes to change or terminate a student's related services (e.g., speech therapy, occupational or physical therapy, counseling)

The school proposes a suspension or expulsion of a special education student which will constitute a change in placement

2. Notification regarding the student's IEP meeting. Since the IEP meeting is the most important mechanism for involving parents in educational decision-making, parents must receive written notification of this meeting. The importance of parental involvement at the IEP meeting is so significant, in fact, that the case manager must take specific action to notify the parents and make reasonable attempts to assure their participation, even when they cannot be present for the meeting in person. It should be noted that the school must proceed with the IEP development without the parents if they refuse or do not attend after reasonable attempts to involve the parents have been made. See *PARENTAL PRIOR WRITTEN NOTICE*.
3. Notice regarding evaluation and reevaluation. The school is required to send *PARENTAL PRIOR WRITTEN NOTICE* when it proposes an initial evaluation of the student's eligibility for special education and related services. Also, the school is required to reevaluate each eligible student at least every three years unless the school and parent agree otherwise. Parent notice of reevaluation is provided by sending the *PARENTAL PRIOR WRITTEN NOTICE*. Parents are also requested (by letter, telephone, or in person) to provide input as to the need for, and scope of, any additional assessments that may be needed. IDEA regulations permit the IEP Committee members and eligibility team members to review the existing evaluation data to determine whether additional assessments are needed, without a team meeting required. If additional assessments are needed, the school must ask the parent to provide written consent for any additional assessments that have been determined to be necessary in order to complete the reevaluation. If no additional assessments are needed, *PARENTAL PRIOR WRITTEN NOTICE* of the proposal to conduct a reevaluation without obtaining additional data is sent to the parents, notifying them of their right to request further assessments.
4. Notice regarding Proposed changes to IEP or placement. Since the IEP Committee must make all decisions affecting a student's special education services or placement, the *PARENTAL PRIOR WRITTEN NOTICE* to the parents must explain the proposed changes. Again, the school must make reasonable efforts to involve the parents in the IEP process. When parents do not respond to requests to attend IEP meetings, the school must seek to include them through other means (e.g., via telephone). Parents must receive a copy of the amended IEP developed by the IEP Committee. When parents are not in attendance, parents must be provided with *PARENTAL PRIOR WRITTEN NOTICE* of the district's proposal to implement the IEP.

Graduation from high school or a change in placement to a more or less restrictive setting is considered a "change in placement." Such changes in a special education student's program or placement require prior written notice and must only occur through the IEP process (*PARENTAL PRIOR WRITTEN NOTICE*). A student's graduation from high school is handled through careful planning of his or her transition and by determining the graduation option (regular diploma or adjusted diploma) through the IEP process on at least an annual basis.

For students graduating with a regular high school diploma, the *PARENTAL PRIOR WRITTEN NOTICE* form must include a statement that the student "is receiving a regular high school diploma and will no longer be eligible for special education services upon graduation."

"For students graduating with an adjusted diploma, the written notice form must include a statement that the student is eligible to receive special education services until he/she receives a regular diploma or reaches 22 years of age."

5. Notice regarding termination of eligibility/services. If the student's services are being terminated because the student is no longer eligible for services, the following procedure must be followed:
 - a. The eligibility team must conduct a reevaluation and determine whether the student is no longer eligible for special education services. See Reevaluation section for all reevaluation procedures, which must be strictly followed.
 - b. *if* the eligibility team finds the student no longer eligible, **PARENTAL PRIOR WRITTEN NOTICE** of the proposal to discontinue services based upon ineligibility must be provided to parents.

If the student's services are being terminated because the student is no longer eligible due to graduation with a regular diploma or because the student has reached 22 years of age, the evaluation described in section (a) is not required. However, a summary of the student's academic achievement and functional performance must be developed and provided to the student and parent (see *SUMMARY OF PERFORMANCE*)

6. Notice regarding proposals to change or terminate a student's related services. Prior written notice must be provided of the district's proposals or refusals to initiate, change, or terminate a student's related services. Related services (e.g., speech therapy, occupational and physical therapy, counseling) are an important part of a student's IEP. Without these services, many students would not benefit from the special education program provided. For this reason, any decision to initiate, change, or terminate related services must be made by the IEP Committee. If at all possible, it is advisable to have the related service provider participate as a member of the IEP Committee. However, when this is not possible, he or she must supply the rationale for initiating, changing, or discontinuing the services. The IEP Committee determines a student's need for related services.
7. Notice requirements for parental requests. Parents are encouraged to present any requests for changes in eligibility, IEP services or placement in writing. For example, parents may request that the school pay for an independent educational evaluation. They may also request that the school district provide additional services for their child. Parents may ask the school district to place their child in a specialized program outside of his or her zoned school. Whether the parents' requests are made in writing or not, parents must be given **PARENTAL PRIOR WRITTEN NOTICE** of the school district's decisions in response to such requests by parents. If a school receives such a request, it must be forwarded to the Director of Special Education. After consulting with the student's principal and teachers, the Director will make a decision and provide **PARENTAL PRIOR WRITTEN NOTICE** to the parents and, if appropriate, the proposed date of any IEP meeting to discuss the parent's request and present any district recommendations (**PARENTAL PRIOR WRITTEN NOTICE**).
8. Notice regarding suspension/expulsion. There are specific procedures that must be followed when a special education student is suspended or expelled for more than ten (10) days from school. The basic procedures that must be followed regarding notice are outlined below:
 - a. On the date a decision is made to implement a disciplinary removal that will result in a change of placement, the school must provide **PARENTAL PRIOR WRITTEN NOTICE** of this decision and of the intent to conduct a manifestation determination prior to implementing the removal.
 - b. If the IEP Committee determines that the behavior is not a manifestation of the student's disability, the district must provide **PARENTAL PRIOR WRITTEN NOTICE** to the

parents of the IEP Committee's decision and the school's intent regarding further action.

- c. If the IEP Committee determines that the behavior is a manifestation of the student's disability, the student generally remains in the placement identified in the student's IEP (unless the student is placed in a 45-school-day interim alternative educational setting for conduct involving weapons, drugs/controlled substances, or infliction of serious bodily injury). The district provides *PARENTAL PRIOR WRITTEN NOTICE* of the school intention to conduct a functional behavioral assessment (unless one has already been done) and to develop a behavior intervention plan (or review/revise an already existing plan).

Appointment of Surrogate Parents

1. **Requirement to appoint surrogate parent.** A surrogate parent must be appointed by the school district when neither of the student's parents can be identified or located, or the student is a ward of the State of Nevada, or the student is an unaccompanied homeless youth in the case of a child who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the child's case, provided that the surrogate meets the requirements described below.

A student who is eligible for special education in Nevada Virtual Academy and meets any of these conditions will be appointed a surrogate parent to represent him or her in all matters related to special education.

2. **Qualifications for serving as a student's surrogate Parent.** A surrogate parent cannot be an employee of the Nevada Department of Education, the school, or of any other agency involved in the education or care of the student. The surrogate must have no personal or professional interest that conflicts with the interest of the student, and the surrogate must have knowledge and skills that ensure adequate representation of the student. If the student is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents without regard to whether those staff are employees of agencies involved in the care of the student, until a surrogate parent can be appointed that meets all of the requirements outlined above.
3. **Rights and privileges of surrogate parents.** Surrogate parents have all the same rights and privileges of biological parents pertaining to the identification, evaluation, educational placement, and the provision of a free appropriate public education for the student he or she represents. As such, surrogate parents must give consent before initial evaluation, initial provision of special education and related services, and reevaluation of the student if the reevaluation requires additional assessments. They must also be given prior written notice for any proposed or refused action by the school as described in this section. Surrogate parents have all the due process rights of natural parents in a dispute with the school district regarding the student's special education program.

Independent Educational Evaluation

A parent has the right to request an independent educational evaluation (IEE) at public expense if the parent disagrees with an evaluation obtained by Nevada Virtual Academy. However, the school may initiate a hearing to show that its evaluation is appropriate. If the final decision is that the school's evaluation is appropriate, the parent still has the right to an IEE, but not at the public expense.

Information regarding where an IEE may be obtained will be provided to the parent upon request for an IEE, along with the school's criteria for conducting such an evaluation. Whenever an IEE is conducted at the school's expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, will be the same as the criteria the district uses when it

initiates an evaluation. Whether or not the school pays for an IEE, the IEE must be considered in decisions regarding the student's special education program.

An IEE is an evaluation conducted by an examiner who is not employed by the school but possesses qualifications similar to those of examiners employed by the school district. Parents should be encouraged but are not required to notify the school before they obtain an IEE. All parent requests for an IEE should be forwarded to the Special Education Manager for review. The Director will tell the parents where an IEE may be obtained and will provide notice of the school district's decision regarding their request for an IEE.

When an IEE has been requested, the school will without unnecessary delay either provide (pay for) the IEE, or request a due process hearing to establish that its evaluation is appropriate. If the hearing officer determines that the school's evaluation is appropriate, the parent may still obtain an IEE, but at the parent's personal expense. A parent is entitled to only one IEE at public expense each time the public agency conducts an evaluation with which the parent disagrees.

Mediation

Mediation is a process where an impartial person participates in a meeting between parents and representatives of the school district in an attempt to resolve issues of disagreement about the student's special education program. Most often mediation is used as an informal method of conflict resolution when parents have filed a request for an impartial due process hearing. Mediation may not be used in place of a hearing nor can it delay the parent's right to a hearing. When disagreements between parents and school personnel over special education issues rise to the level of an impasse, the Head of School (HOS) should be involved. At the HOS's discretion, mediation may be requested, although other methods of resolution will probably be used prior to taking this step. Mediation usually produces at least some agreement between the parties. Even when parents proceed to a hearing, mediation often reduces or clarifies the issues to be heard.

The Nevada Department of Education has established a mediation system, maintains a pool of trained mediators, and will pay for the costs incurred by the mediation. Either party (the school or the parents) can request mediation although both parties must agree to participate. Each session of mediation must be scheduled in a timely manner and must be held at a location that is convenient for the parties to the dispute. If the parties reach an agreement, the agreement must be set forth in writing and the agreement is enforceable in court.

Impartial Due Process Hearings

Although a due process hearing may be necessary to resolve a disagreement between parents and the school district, there are often other effective methods of resolution (e.g., informal negotiation or mediation). Parents and school should pursue alternatives to due process whenever possible as a way of reaching an agreement about the student's special education program.

1. Impartial due process hearing. Due process is a formal means provided in the law for resolving disputes between the school district and parents. Either the school district or parents may initiate a request for a hearing on issues related to identification, evaluation, educational placement or the provision of a free appropriate public education (FAPE) for a student with disabilities (although the district may not request a hearing to dispute a parent's refusal to consent to the initial provision of special education and related services). When a due process hearing is requested, an impartial hearing officer is appointed by the State Superintendent of Public Instruction to hear the case and render a decision. In Nevada, either party may appeal the hearing officer's decision to a state-level review officer. If the matter is not resolved at either of these levels, either party may appeal the case to a state court of competent jurisdiction or a U.S. district court.

2. Requesting an impartial due process hearing. Parents may request an impartial due process hearing by writing a letter to the Head of School or Special Education Manager. A model form is available to assist parents in requesting a due process hearing. Within five days of receiving the request, the school must transmit the letter to the State Superintendent of Public Instruction with a request that the Superintendent appoint a hearing officer.

Response to request.

- Within 10 days of receipt of the request for the hearing, if the school DID NOT already send a prior written notice to the parent regarding the subject matter of the hearing request, the school shall send notice that includes:
 - explanation of why the school proposed/refused action
 - description of other options the IEP team considered and why rejected
 - description of each evaluation procedure, assessment, record or report used as a basis for proposed/refused action
 - description of the factors relevant to school's proposal or refusal
- Within 10 days of receipt, if the school already has sent a prior written notice, the school shall send the parent a response that specifically addresses the issues raised in the request for a hearing. A response by the district does not preclude district from asserting that the parent's due process complaint was insufficient.

If the school files the hearing request, the parent must send the district a response that specifically addresses the issues raised in the request for a hearing within 10 days of receipt of request for hearing.

Sufficiency challenge.

- Within 15 days of receipt, the notifying party may notify the Hearing Officer and the filing party that the receiving party believes the notice has not met content requirements
Within 5 days of receipt of notification of insufficiency, the Hearing Officer makes determination based on the face of the request for hearing and immediately notifies parties in writing
If insufficient, the filing party must re-file and the request is treated like a new request

Resolution meetings.

- Within 15 days of receiving notice of the parents' request for a hearing, the school must convene a resolution session UNLESS the district and the parents agree in writing to waive the session, or agree to use mediation process
Resolution session participants:
 - Parents and relevant member(s) of IEP Committee (parent and school determine relevant members to attend meeting) who have specific knowledge of the facts identified in the hearing request
 - Includes representative of school with decision making authority
 - May not include attorney of district unless parent is accompanied by attorney

Parents discuss request for hearing and the facts that form the basis of the complaint, and the school is provided the opportunity to resolve

If a resolution agreement is reached, the parties execute a legally binding agreement that is signed by the parent and a representative of the district who has authority to bind the district. The resolution agreement is enforceable in any state court of competent jurisdiction or in a U.S. district court. A party may void the executed agreement within 3 business days of the agreement's execution.

Resolution Period.

- If the school has not resolved the complaint to the satisfaction of the parents within 30 days of the receipt of the complaint, the due process hearing may occur. The timeline for issuing a final decision begins at the expiration of this 30-day period. Except where the parties have jointly agreed to waive the resolution process or to use mediation, the failure of the parent filing a due process complaint to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held. If the school is unable to obtain the participation of the parent in the resolution session after reasonable efforts have been made and documented, the school may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's due process complaint. If the school fails to hold the resolution session within 15 days of receiving notice of a parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of a hearing officer to begin the due process hearing timeline.

Adjustments to 30-day resolution period. The 45-day timeline for the due process hearing starts the day after one of the following events:

- Both parties agree in writing to waive the resolution meeting
- After either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible. If both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, the parent or district withdraws from the mediation process

4. Stay put

As required by state and federal law, under most circumstances when a due process hearing has been requested the student "stays put" in the last agreed-upon placement until the issue is resolved, unless the parents and the school agree on an alternative placement. In limited circumstances (e.g., students who exhibit behavior that is harmful or dangerous to self or others), the school may seek a court injunction to bar the student's attendance at school and maintain an alternative placement until the dispute is resolved through the hearing process. An Interim Alternative Educational Setting (IAES) may become the "stay put" placement for a student who has engaged in behavior involving weapons, drugs, controlled substances, or infliction of serious bodily injury. Also, in cases where a review officer agrees with the parents of the pupil that a particular change in the current placement is appropriate, the change in placement must be treated as an agreement between the district and the parents, for purposes of "stay put" through any continuing litigation.

5. Procedures for a due process hearing

- a. The parent shall submit in writing to the Head of School any request for fair and impartial due process hearing in accordance with IDEA, stating the name of the student, the residence address of the student, in the case of a homeless child or youth, available contact information for the child the name, a description of the nature of the problem including relevant facts, and a proposed resolution of the problem to the extent known and available to the parents at the time. A copy of the request for a hearing must also be submitted by the parent to the Nevada Department of Education.
- b. The Head of School, within five working days of the receipt of a hearing request from the parent, shall ask the State Superintendent of Public Instruction to appoint an impartial hearing officer.

- c. The State Superintendent of Public Instruction will officially appoint the impartial hearing officer and notify the parties in writing of the appointment. The hearing officer must not have a conflict of interest or be an employee of any public agency involved in the education or care of the student. A person is not an employee of a public agency solely because the public agency compensates the person for the person's services as a hearing officer.
- d. Nevada Virtual Academy must also take the following additional actions upon receipt of a request for a hearing:
 - 1. The parent shall be notified by certified mail of the time and place of the hearing.
 - 2. The parent shall be informed of any free or inexpensive legal services and other relevant services in the area.
 - 3. The parent shall be informed of the right to request a resolution of the dispute through a mediation process.
 - 4. The parent shall be informed of all procedural safeguards, including the rights listed below:
 - a. At the hearing, a party to the hearing may:
 - (1) Be represented by counsel;
 - (2) Be accompanied by and advised by persons who have special knowledge of or training regarding the problems of students with disabilities;
 - (3) Present evidence;
 - (4) Call, examine and compel the attendance of witnesses; and
 - (5) Cross-examine witnesses.
 - b. At the hearing, the parent has the right to:
 - (1) Have the pupil present;
 - (2) Have the hearing open to the general public; and
 - (3) Have the record of the hearing and findings of fact provided at no cost to the parent.
 - c. The parent may examine all pertinent school records before the hearing.
 - d. A party to the hearing may object to the introduction of evidence or evaluations, including recommendations based upon evaluations that have not been disclosed to the opposing party at least five business days before the hearing. The hearing officer may bar the introduction of such evidence without the consent of the other party.
 - e. The school shall make a verbatim record of the hearing either in writing or, at the option of the parent, by electronic means. The record must be made available to any party to the hearing.
 - t. The school shall take whatever action is necessary to ensure that the parent understands the written notice and the proceedings at the hearing, including arranging for an interpreter for a parent who is deaf or whose native language is not English.
 - g. The hearing must be held at a time and place reasonably convenient to the parent and student involved.
 - h. The hearing officer shall base the decision solely on the evidence presented at the hearing. In addition:

- A hearing officer's determination of whether a child received FAPE must be based on substantive grounds
In matters alleging a procedural violation, a hearing officer may find that a child did not receive a FAPE only if the procedural inadequacies:
 - Impeded the child's right to a FAPE;
 - Significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE to the child; or
 - Caused a deprivation of educational benefitA hearing officer may order a district to comply with procedural requirements
A parent may file a separate due process complaint on an issue separate from a due process complaint already filed

The hearing officer shall render the findings of fact and decision in writing and mail a copy of the decision to the parties within 45 days after commencement of the hearing timeline. A hearing officer may extend the time for rendering a decision for a specific number of days upon the request of either party, except for expedited hearings. The written findings of fact and decision must be made available to any party to the hearing. At the option of a parent, findings of fact and decision must be made available to the parent *by* electronic means.

The school shall pay the expenses of the hearing officer and any other expenses of the hearing.

- k. At a minimum, the Hearing Officer:
 - must not be an employee of the NDE or the school that is involved in the education or care of the child; or a person having a personal or professional interest that conflicts with the person's objectivity in the hearing
must possess knowledge of, and the ability to understand, the provisions of the IDEA, federal and state regulations pertaining to the IDEA, and legal interpretations of the IDEA by federal and state courts;
must possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and
must possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice

A person who otherwise qualifies is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.

- l. The decision of a hearing officer is final unless the decision is appealed.
- m. In regard to due process hearings, "business day" means Monday through Friday, excluding federal and state holidays.

Appeal from decision of hearing officer

The parent and the school have the right to appeal the decision of the hearing officer to the State Superintendent of Public Instruction. The appeal must be made within 30 days after receiving the hearing officer's decision; a party to the hearing may file a cross appeal within ten (10) days after receiving notice

of the initial appeal. If there is an appeal, a state review officer appointed by the State Superintendent of Public Instruction shall conduct an impartial review of the hearing.

The review officer shall:

- t Examine the entire record of the hearing;
2. Ensure that the procedures of the hearing were consistent with the requirements of due process;
3. Seek any additional evidence necessary and, if a hearing is held to receive additional evidence, afford the parties the rights set forth in NAC 388.310;
4. Afford the parties an opportunity for oral or written argument, or both, at the discretion of the reviewing officer;
5. Schedule any oral arguments at a time and place which is reasonably convenient to the parent and student involved;
- 6 Make an independent decision on the completion of the review; and
7. Mail copies of the written findings and decision to the parties within 30 days after receipt of a written request for review. The review officer may extend the time for rendering a decision for a specific number of days upon the request of either party. At the option of the parent, the findings of fact and decision must be made available to the parent by electronic means.

The decision of a review officer is final unless a party brings a civil action.

Civil action. A party may appeal from the decision of the review officer by initiating a civil action in a court of competent jurisdiction within 30 days after receipt of the decision of the review officer. Either party has the right to appeal the decision of the State Board of Education by initiating a civil action through the courts.

Expedited hearings. A parent's request for a hearing is expedited under the following disciplinary situations:

- a. Disagreement with the IEP Committee's manifestation determination (the decision regarding the relationship of misconduct to the student's disability); and
- b. Disagreement with the IEP Committee's decision regarding the placement of a student in an interim alternative educational setting.

The school may request an expedited hearing to change the placement of a student to an appropriate interim alternative educational setting based upon substantial evidence that maintaining the current placement is substantially likely to result in injury to the student or to others. This process may be repeated as necessary.

An expedited hearing must be conducted within 20 school days of the date the hearing is requested and the determination must be made within 10 school days after the hearing. The resolution session must be held within 7 days and the resolution period is 15 days.

Transfer of Rights at Age 18

In general, the school shall assure that all rights of the parent shall transfer to the student upon reaching majority, at age 18. The exceptions are in the cases where such children are legally determined to be incompetent to make related decisions. In these instances the legally established guardian will continue to maintain the rights outlined in this document.

On or before the date when the student turns 17 (during the annual IEP meeting when the student is 16), the student's IEP must include a statement that the student has been informed of the rights that will transfer at age 18. In accordance with state law passed in 2007, at least 90 days prior to the student's 18th birthday, the school must provide the parent with an application to request appointment of the parents to represent the educational interests of the pupil. [As of July 2007, the Nevada State Board of Education has not yet passed regulations describing the parents who are authorized to submit such an application, based upon the status of the student. Additional guidelines will be provided to school staff as necessary.]

Unless the parents have been appointed by the district to represent the educational interests of the pupil, the school must notify the student and parent that a transfer of rights has occurred when the student reaches ages 18. Whether the student's educational rights have transferred to the student or remain with the parents, the district shall provide any required notice to the student and the student's parents.

IDENTIFICATION

Identifying students with disabilities is the first step in providing appropriate educational services to students who are eligible for special education and related services.

Child Find

Nevada Virtual Academy's "Child Find" program is responsible for locating, identifying and evaluating all individuals suspected of having a disability from the ages of birth through 21 who are not receiving early intervention or special education services.

The school works in cooperation with other agencies in the state to:

1. Locate all children and youth with disabilities from the ages of birth through 21 in state:
2. Identify and refer individuals suspected of having a disability for evaluations
3. Provide information to the community about the Child Find project and increase awareness about the educational rights of individuals with disabilities and their parents, through the following methods:
 - a. Newspaper articles and other media
 - b. Correspondence with community members
 - c. Annual screenings in the school
 - d. Teacher training on identifying potential disabilities
4. Maintain a child identification log indicating which children 3-21 years of age are receiving special education and related services and which children were found to be not eligible for service. The log contains the following information, if applicable, on all children referred for evaluation:
 - a. Student Name
 - b. Age
 - c. Date Referred
 - d. Date Evaluated
 - e. Date Service Initiated
 - f. Disability Category
 - g. Reason for Not Serving
5. Coordinate with other agencies providing services to children. The Special Education Manager will make at least one contact per school year with local agencies to find out if they may have knowledge of disabled children who are not being served, explain the referral process, and request that they refer students under the age of 22 to the school.

Before Making a Referral

When a child is having difficulty learning in a regular education classroom, it is often assumed that the child should be referred for a **special education evaluation to determine any learning** problems. But before a referral is made, the teacher should attempt a variety of strategies designed to facilitate the child's learning within that classroom.

The **Individuals with Disabilities Education Act (IDEA)** requires that children with disabilities be educated as much as possible with their nondisabled peers. By modifying what takes place in the classroom to meet a child's needs, we are addressing the spirit of the law. Frequently, such modifications are effective and may eliminate or diminish the need for special education services.

General Education Interventions

If a student is experiencing an educational or behavioral difficulty but is not suspected of having a disability by the Nevada Virtual Academy, the school may attempt to remediate such difficulty through providing scientific, research-based interventions in general education environments.

The Nevada Administrative Code (NAC) §388.325 defines the use of scientific, research-based intervention for students who are not yet suspected of having a disability. The following procedures shall be used by the school whenever targeted scientific, research-based interventions are provided to a particular student who is experiencing academic or behavioral difficulty: A Response to Intervention (RTI) Team will create intervention goals and assist the teacher with implementation. They will also include:

1. Develop an intervention plan for the student, to include:
 - a. A description of the academic or behavior concerns, and the degree to which the student's academic or behavior performance fails to meet the demands of the educational setting;
 - b. The interventions to be provided, which are targeted toward improving performance and increasing the rate of learning;
 - c. The data to be collected to measure the student's level of performance and rate of learning;
 - d. The frequency of data collection; a description of how the data will be summarized; a description of how intervention effectiveness will be evaluated; a schedule for evaluating intervention effectiveness.
2. Provide a copy of the intervention plan to the student's parents.
3. Provide the "see *NEVADA DEPARTMENT OF EDUCATION POLICY STATEMENT – RESPONSE TO SCIENTIFIC, RESEARCH-BASED INTERVENTION*" document to the student's parents.
4. Based in part on the results of the targeted, scientific, research-based intervention, determine whether the student is suspected of having a disability and should be evaluated for special education eligibility.
5. If the parent requests an initial evaluation for special education eligibility while interventions are being attempted, the district must:
 - a. Conduct the initial evaluation if the district agrees that the student is suspected of having a disability; or
 - b. Provide *PARENTAL PRIOR WRITTEN NOTICE* of its refusal to conduct the initial evaluation (if the district does not agree that the student is suspected of having a disability). Any proposed refusal to evaluate a student must be discussed with the NVVA Head of School.

REFERRAL

A student qualifies for all the rights and benefits of IDEA once he or she is determined to be a child with a disability as defined in the Nevada Administrative Code (NAC). Generally, students are evaluated when either the parents of the child request an evaluation, or when, as a result of the school's "child find" or general education intervention activities, school's personnel recommend an evaluation.

If the school proposes to conduct an initial evaluation of a student, parents must be provided with prior written notice of the proposed evaluation and a copy of the Parent Rights document. Next, consent for the evaluation must be obtained before the evaluation may begin. See *PARENTAL PRIOR WRITTEN NOTICE* section.

In conducting the evaluation, the school must use a variety of assessment tools and strategies to gather relevant functional and developmental information on the child, including information supplied by the child's parents. Further, the information gathered should relate to enabling the child to be involved in and progress in the general curriculum. If appropriate, because there are existing evaluation data (e.g., a student who enrolls in NVVA from out of state and evaluation information from the other state was available in a timely manner, the school must review existing evaluation data and determine what, if any, additional assessments are necessary. See *EXPLANATION OF ASSESSMENT PROCEDURES*. On the basis of this review, the district must identify and gather the additional data needed to determine: SEE

1. Whether the child has a disability.
2. The child's present levels of performance and educational needs.
3. Whether the child needs special education and related services.

The initial referral process is as follows:

1. Identify the student's problem and initiate the special education referral process.
 - a. Documentation of the following:
 - Student Records
 - Vision and Hearing results
 - Development history
 - Student observation forms
 - Attendance information
 - Documentation of teacher interventions, Response to Intervention (RTI) Committee documentation,
 - Student work and assessment samples
 - Student Discipline records
 - b. Provide prior written notice of the proposal to evaluate the student (*PARENTAL PRIOR WRITTEN NOTICE*) with a copy of Parent Rights
 - c. Obtain parent consent to evaluate the student (*EXPLANATION OF ASSESSMENT PROCEDURES*)
 - Academic results
 - Behavior Assessment
 - d. Principal's signature on referral form authorizing the initial referral
2. Review referral packet for appropriateness and completeness.
 - a. Parent has been given written notice of the school's proposal to evaluate the student
 - b. Parent has provided consent to evaluate prior to any individually administered assessments given on the basis of the suspicion of disability
 - c. Parent has been given a copy of Parent Rights, and rights have been explained in their primary language (e.g., Spanish)
 - d. Student has passed the vision and hearing tests,
 - or has been treated by a physician to correct problem area.

- or a copy of the "passed" or "normal" results are provided.
 - e. Copies of data are legible and included
 - f. Principal has signed referral.
 - g. Assign designee or case manager for referral.
3. Process referral packet.
- a. Send copies to the Special Services Department who will forward, to psychologist or other evaluation coordinator (e.g., speech therapist) to initiate the evaluation.
 - b. Collect further data if needed.
 - c. Send copies of referral page, copy of consent for evaluation, and relevant information to related service provider if assessment is needed and is indicated on referral form (speech therapist, occupational therapist, or physical therapist).
4. if applicable, psychologist will complete the evaluation write the report and forward copies to the case manager. If the speech therapist has been the evaluation coordinator, the therapist also serves as the case manager. See Evaluation section of this Manual for further information.
5. Schedule a meeting to determine eligibility (*PARENTAL PRIOR WRITTEN NOTICE*). See Eligibility section of this Manual for further information.
- a. Meeting must include required Eligibility Team members, including, for example:
 - LEA representative
 - Special education teacher (for student with speech/language impairment, speech therapist is the special education teacher)
 - Regular education teacher
 - Parent(s) and/or guardian(s)
 - School psychologist if applicable
 - b. Meeting could also include:
 - Speech therapist
 - Occupational therapist
 - Physical therapist
 - School nurse
6. Once eligibility is determined and if student is found eligible, an IEP including a *STUDENT CASE FILE SHEET*. IEP Committee may include and is not limited to :
- a. Parent(s)*
 - b. Regular education teacher*
 - c. Special education teacher*
 - d. LEA representative*
 - e. School psychologist
 - f. Related service provider (speech therapist, occupational therapist, physical therapist, assistive technology representative, transportation representative, school nurse, etc.)

•Required members, in addition to a person who can interpret the instructional implications of the evaluation.

7. Transfer students:

Transfers within Nevada. Students with disabilities transferring into the NVVA from another school district in Nevada remain eligible for special education, related services, and supplementary aids and services. Documentation of previous evaluation(s) and eligibility determination(s) must be obtained from the previous school district. If such documentation cannot be obtained, school staff should contact the Special Education Manager. When the parents register their child for school and indicate the student was receiving special education

services at his/her previous school in Nevada, a form indicating the name and location of the previous school will be completed and faxed to the special education department of the school. Records will be requested and sent to the special education office. Attempts to locate/obtain records will be documented. Records received will be provided to the evaluation coordinator. A copy of the IEP will be sent to the case manager.

If the student's previous IEP is available, the CCSD must provide the student with a free appropriate public education, including services comparable to those described in the previous IEP, in consultation with the parents, for a period no longer than 30 calendar days, until the CCSD adopts the previous IEP, or develops a new IEP.

If no IEP is available, the student should be receiving services under a 30-calendar-day interim IEP. Upon the expiration of 30 days after the development of the interim IEP, a complete IEP must be developed. Because the student is already eligible in Nevada, a reevaluation is usually not needed.

Transfers from Out-of-State. Students with disabilities transferring into NVVA from another state must be evaluated to determine whether they meet Nevada's eligibility requirements. The evaluation coordinator is responsible for coordinating the process needed to ensure that Nevada eligibility is confirmed, whether under the 30-day interim IEP timeline (in circumstances when no IEP is available from the previous district), or under the 45-school day timeline when the school is providing services comparable to the services provided under the student's out-of-state IEP.

Parental consent must be obtained using the *EXPLANATION OF ASSESSMENT PROCEDURES* form. If evaluation information is available, the combined members of the eligibility team and IEP Committee must complete the *REPORT OF EVALUATION RESULTS AND REVIEW* form.

If no additional data are needed, provide *PARENTAL PRIOR WRITTEN NOTICE* of this decision. The eligibility team must meet to determine eligibility within 45 school days of obtaining the parent's written consent.

If the student's previous IEP is available, the NVVA must provide the student with a free appropriate public education, including services comparable to those described in the previous IEP, in consultation with the parents, until eligibility in Nevada has been determined and until the NVVA develops a new IEP, if appropriate.

If no IEP is available, the student should be receiving services under a 30-calendar-day interim IEP. If a 30-day interim IEP has been developed, the student's eligibility must be confirmed and a complete IEP must be developed prior to the expiration of the 30 days. During the 30-day period, the student should be receiving services either under an interim Individualized Educational Program. If difficulties are encountered in this situation, contact the Director of Special Education.

Obtaining/Reviewing Records

1. The case manager is responsible for obtaining all IDEA records relative to a student
2. If the case manager has difficulty obtaining a student's IDEA records, the case manager will forward a records release to the Special Services secretary asking for assistance in obtaining the records.
3. Once the IDEA records have been obtained, case manager will:
 - a. Initiate a records review referral by completing the top portion of the Psychologist Report/Review of Records form
 - b. Copy records for psychologist
 - c. Maintain copies for IDEA file
 - d. Send review of records form attached to psychologist's copies to Special Services
4. The Special Services secretary will:
 - a. Date stamp the records review referral attached to the students' records.
 - b. Log the referral date into the computer database.
5. The Special Services secretary will forward the referral packet to the school psychologist via mailbox.
6. The school psychologist will complete the Psychologist Report/Review of Records form which will address issues of:
 - a. Eligibility, including date of an existing Eligibility Statement
 - b. Current psychologist report, including an existing date of evaluation
 - c. Provide further instructions to the case manager
 - d. Forward copies to the school, parent, and Special Services secretary
7. The Special Services secretary will log any existing and acceptable dates into database which may include:
 - a. Eligibility determination date
 - b. Evaluation report date (e.g., school psychologist report, speech language therapist report)
 - c. IEP date (if applicable)

EVALUATION

Definitions

1. Eligibility team (ED). A team of professional staff including the parent who plan the assessment for a student, collect the appropriate information through formal and informal assessment methods, and make a determination of eligibility based on the criteria set forth in state regulations (Nevada Administrative Code [NAC] §388.330-440).
2. Academic achievement. The possession of basic reading skills and skills relating to oral expression, listening comprehension, written expression, reading fluency, reading comprehension, mathematics calculation, and mathematics reasoning. For students ages three to five years, this term includes academic readiness and mastery of language concepts (NAC §388.005).
3. Adaptive skills. Communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work (NAC §388.015).
4. Assistive technology device. Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability (NAC §388.023). Cochlear implants are not considered assistive technology devices.
5. Assistive technology service. Any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device (i.e., piece of equipment or product system that is used to increase, maintain, or improve the functional capabilities of a student). This includes the evaluation of the need for such devices and services; providing for the acquisition of devices; selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing devices; coordinating and using other therapies, interventions, or services; and training or technical assistance for students, families, professionals, employers, or others (NAC §388.024).
6. Scientific, research-based intervention. The modification of the classroom environment, curriculum or delivery of instruction in general education settings, which is based upon an examination of characteristics of the student as a learner, the instruction being provided and the curricular tasks to be accomplished, and targeted toward improving the student's level of performance and rate of learning. The modification of the classroom environment, curriculum or delivery of instruction is demonstrated through scientifically based research and practice to have a positive impact on a pupil's academic achievement or behavior.
7. Intervention. Strategies developed on the basis of individual need which are designed to have a remedial effect upon any academic or behavioral problems of a student. This does not ordinarily include general disciplinary procedures unless these have a demonstrated superior effect over individually designed strategies (NAC §388.085).
8. Social and emotional condition. The present thoughts, feelings, and, interactive behavior of the student (NAC §388.111).
9. Eligibility Determination. A determination by an eligibility team that the student qualifies for special education, related services, and/or supplementary aids and services in the school environment in accordance with the eligibility criteria established in NAC §388.330-440.

10. Evaluation procedures.

Assessments/evaluation materials must be:

- selected and administered so as not to be discriminatory on a racial or cultural basis;
- provided and administered in the child's native language or other mode of communication, and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.
- used for the purposes for which the assessments are valid and reliable
- administered by trained and knowledgeable personnel
- administered in accordance with any instructions provided by the producer of the assessments

Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with limited sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

The child must be assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

Assessments of children who transfer from one district to another in the same school year must be coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.

The evaluation must be sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified.

11. Primary diagnostician. A diagnostic professional who is assigned to lead the eligibility team (ET) in planning and conducting the evaluation and interpreting the results. Most often this will be the member of the ET who is most responsible for the evaluation (e.g., school psychologist, speech/language therapist).

Purpose

The purpose of gathering diagnostic data pertaining to the special student is to accomplish the following:

1. Determine whether the student has a particular category of disability, or in the case of a reevaluation whether the student continues to have such a disability;
2. Identify the present levels of academic achievement and related developmental needs of the student.
3. Determine whether the student needs special education and related services, or in the case of a reevaluation whether the student continues to need special education and related services;
4. Determine whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP and to participate as appropriate in the general education curriculum; and

5. Formulate possible courses of action.

Principles

Throughout the evaluation process, the following principles should be emphasized:

1. Multidisciplinary team approach.
2. Confidentiality.
3. Nondiscriminatory testing.
4. Adherence to all procedural safeguards.

Process

Students who may be referred for special education services are those whose learning and/or behavior problems appear to be beyond the scope of the general educational setting or whose problems have previously not been solved through general education interventions.

Students From Other Counties or States	1) Students having received special education services in another school district in Nevada or outside of the state of Nevada 'are processed according to procedures outlined under "Transfer Students" in the Referral section.
Private-School Students	2) Students enrolled in non-public schools are referred to the Special Education Manager, A Child Find search is processed according to routine procedures outlined under Child Find.
Non-Enrolled Students	3) Students not currently enrolled in an educational program or who have never received special education services are referred to the Special Education Manager.

Consultation with parents after determining that the student will be referred for a special education evaluation, the principal/designee meets with parents to discuss the districts proposal for evaluation, as described below.

Meet With Parents	Holds a meeting with the parent/guardian to discuss in detail the student's educational difficulties.
Provide Notice of Proposed Evaluation	Completes PARENTAL PRIOR WRITTEN NOTICE to advise parents of the proposed evaluation of the student.
Advise Parents of Rights	Advises the parent of special education rights and provides a copy of Parent Rights document.
Explain Evaluation Procedures	Explains evaluation procedures.
Obtain Signatures on Consent for Evaluation	Obtains parent/guardian signature on EXPLANATION OF ASSESSMENT PROCEDURES form.
If Parent Refuses to Authorize	If the parent/guardian refuses to authorize an evaluation, contacts Special Services for assistance
Obtain Signatures for Exchange	Obtains signature on the PARENT RELEASE/CONSENT TO RELEASE CONFIDENTIAL INFORMATION , if appropriate.

The Head of School or his/her designee is responsible for collecting all forms required in the referral follows:

1. The Head of School should have received documentation of interventions relative to meeting the educational needs in the general curriculum.
2. If the student cannot meet the demands of the general curriculum and is suspected of having a disability, the process of completing the entire referral packet will commence.
3. All necessary referral forms (e.g., Referral Form, Consent for Evaluation, Vision and Hearing, Student Observation Report, Attendance Data, Confidential Developmental History, and Exchange of Information/Records) must be completed and forwarded to the Special Education Manager for filing.

Eligibility Team Members — Roles in Evaluation

An eligibility team (ET) must be based upon the required membership for the suspected disability. (See Table 4 for a summary of ET members, per disability category.) The ET reviews all available referral information and gathers additional data, as necessary, to determine which assessment instruments and methods will be utilized. Following this determination, the ET will assign specific responsibilities to team members for each part of the evaluation. Assessment planning is conducted so as to avoid duplication, to ensure that the evaluation is complete and comprehensive, and to get multiple perspectives relative to the needs of the student.

The appropriate ET members conduct assessments and gather other information according to the established plan. If it appears to any member of the team that additional assessments are necessary, (e.g. to determine the student's need for related services or to explore other student characteristics) he/she should share these observations with other team members and obtain consensus on the need for additional assessments. Use *REPORT OF EVALUATION RESULTS AND REVIEW OF EXISTING DATA* to obtain additional assessment data and consider consent requirements. Roles and expectations of team members in the evaluation are as follows:

Special Education Teacher	The special education teacher must provide specific evaluative information regarding oral expression, listening comprehension, written expression, basic reading skills, reading fluency, reading comprehension, math calculation and math reasoning.
School Psychologist	<p>The school psychologist assesses:</p> <ol style="list-style-type: none"> 1) The academic potential of the student by utilizing tests that are administered individually with a wide variety of tasks presented with the resultant expectation that an adequate sampling of important intellectual functions will be covered. The measures used are global measures of intelligence. The psychologist makes a determination as to what tests are to be used based upon the child's needs. 2) The achievement of the student is measured by using tests that are designed to measure the effects of a specific program of instruction or training. The emphasis is placed upon what the individual can do at the time. It provides an analysis of individual accomplishment.

	<p>3) The social maturity and/or adaptive behavior of the student is measured by utilizing scales designed for assessing the individual's ability to look after his/her practical needs and for taking responsibility, as well as assessing the effectiveness of the individual in coping with natural and social demands in his/her environment.</p> <p>4) The development of sensory of information skills using instruments assessing visual, perceptual and motor development.</p>
School Nurse	<p>The school nurse must screen the student for vision, hearing, and health difficulties. It is recommended that additional information be provided regarding recent physicals, medications, and evaluations relative to possible attention deficit disorders, or neurological screenings. <i>SEE HEALTH HISTORY AND ASSESSMENT.</i></p> <p>Whenever significant alcohol or drug treatment information is available, the nurse should obtain from the parent an Authorization for Use or Release of Information with all appropriate health providers.</p>
Other Professionals	<p>Other professionals (the speech/language specialist, Adaptive PE teacher, Occupational Therapist, Physical Therapist, Vision Specialist, etc.) complete assessments as requested or required under NAC 388. These results will be presented at the Eligibility Team meeting.</p>
Case Manager	<p>The case manager may need to collect other information as appropriate: Parent-furnished data; behavioral or social checklists, pre-vocational/vocational, perceptual-motor, etc. This information is to be included as part of the Eligibility Team meeting.</p>

Evaluation Steps

A timetable for completing the evaluation is established that includes the anticipated date of the ET meeting where assessment information regarding the student will be reviewed and eligibility will be determined. The assessment must be completed and eligibility determined within forty-five (45) school days from the date that the parent signs the *EXPLANATION OF ASSESSMENT PROCEDURES*. This date may be extended only upon written permission from the parent.

Gathering the diagnostic data is an integral part of the process leading to provision of special education services. The purpose of this data is to define current student performance levels, identify strengths and weaknesses, establish cause-related factors that affect an individual's performance, and to make recommendations for courses of action. Confidentiality and adherence to procedural safeguards are imperative throughout the process.

1. Designate school psychologist (or other primary diagnostician)
 - a. When appropriate, student is assigned to school psychologist to complete a psycho-social-educational evaluation.
 - b. Whenever an individual intelligence test is administered, the psychologist must be the primary diagnostician.
2. Gather evaluation data
 - a. Gather initial data

1. Review all available information.
 - a. Confidential folder.
 - b. Cumulative file.
 - c. Personal interviews with appropriate staff relating to referred individuals.
 - d. Additional information from parent (see *BASC-2 STRUCTURED DEVELOPMENTAL HISTORY (SDH)*).
2. If appropriate in instances where there is evaluation information available (e.g., out-of-state transfers transitioning to school services at age three), determine whether additional data are needed by meeting with or contacting combined members of ET and IEP Committee. Parents are contacted by letter, telephone, or in person to review existing data and ascertain whether they believe additional data are needed. Members are not required to sign the form; if the special education teacher contacts them by telephone he or she can simply note the name of the person, the date contacted, and whether or not that person thinks additional data are needed. Consensus is not required. If any one member of the evaluation team believes additional data are required, the issue must be addressed by the team in designing the scope of the evaluation.

b. Collect new information

1. Obtain *EXPLANATION OF ASSESSMENT PROCEDURES*.
2. If needed, conduct a classroom observation (or utilize observation data previously collected) to include:
 - a. A description of the relevant behavior noted during the observation of the student
 - b. A statement of the relationship of that behavior to the academic functioning of the student
 - c. See *REPORT OF EVALUATION RESULTS AND REVIEW OF EXISTING DATA- EXPANDED*

c. Administer tests as appropriate to disability category

1. Appropriate achievement tests
2. Behavior rating scales
3. Other measures as needed

d. Formal data may include standardized assessment in the following areas of functioning

The evaluation provided by the school psychologist will be combined with the diagnostic information gathered previously at the school to constitute the educational evaluation. Eligibility for special education services will be determined in accordance with the Nevada Administrative Code using all data gathered regarding a particular student. No single test or piece of information shall be used to determine eligibility. The school psychologist assesses:

1. The academic potential of the student.
2. The achievement of the student.
3. The social-emotional and/or adaptive behavior of the student.
4. The development of sensory information skills.

ELIGIBILITY

The purpose of convening the Eligibility Team meeting is to determine whether the student is eligible for special education and related services, and to ensure that all sources of information are considered when determining a student's eligibility.

As the final step in the evaluation process, the case manager schedules a meeting to examine the results of assessments and other information regarding the student in relationship to eligibility criteria. This meeting is chaired by the case manager, unless it is agreed that another member will chair. Minimum membership must include the persons specified in the NAC for each disability category (See Table 4).

Eligibility Team (ET) meetings are to be held separate from IEP Committee meeting(s), although one meeting may immediately follow the other if parents have been properly noticed and participants that are required by NAC for both ET and IEP meetings are present.

At the ET meeting, the group may:

- 1) Determine if students are eligible for special education services under the disability criteria for which he/she was evaluated based upon the suspicion of disability;
- 2) Determine if students are eligible for special education under disability criteria other than that for which he/she was assessed (this may require additional assessments);
- 3) Determine if the students are not eligible according to established criteria for special education (NAC 388.387-430). If the students are not eligible, the team may still wish to develop recommendations for the students' teachers to promote students' success. The parents must be informed of their rights should they desire to contest this decision or to have a due process hearing to determine eligibility for services. *PARENTAL PRIOR WRITTEN NOTICE* is provided to the parent if the ET determines that the student is not eligible for special education.

Eligibility Statements will be completed by ET members. This statement will serve to document the eligibility for service for each student and will be completed at the ET meeting.

It is important that all team members understand that eligibility decisions are a team responsibility and not the duty of any one member. As such, all members must sign the Eligibility Statement and indicate their agreement or disagreement with the decision reached by the majority of the team.

Disagreement Among the Team

Eligibility is determined by the opinion of a majority of Eligibility Team members. If a single member or a minority of the team members disagree about the decision of the majority, a written minority report must be prepared that provides the following information (a minority report must be prepared in an ID eligibility decision and may be prepared for other disability categories):

- | | |
|--------------|--|
| Basis | 1) The basis of disagreement <u>with the majority opinion</u> ; |
| Evidence | 2) Evidence from assessment information, observations, or other sources that support the dissenting <u>opinion</u> ; <u>an</u> |
| Alternatives | 3) Alternative recommendations, if any, pertaining to the student's eligibility or educational <u>program</u> . |

The minority report must be attached to each copy of the ET Eligibility Statement and a copy included in the student's confidential special education file. A copy of both the ET Eligibility Statement and the minority report must be sent to the Director of Special Education within five (5) working days of the ET meeting.

Eligibility Decision-Making Steps

Eligibility decision-making

a. Prepare evaluation report

1. Psychologist (or other primary diagnostician) gathers all pertinent data and summarizes it in a written report. Included in the report should be statements regarding developmental history and social/emotional development. For students evaluated for Learning Disabilities, specific content is required in the evaluation report. For students in other disability categories, the report must summarize the assessments conducted and their results, the instructional implications of the assessment results, and any other relevant information
2. A copy of the evaluation report must be given to the parent either during or shortly after the eligibility meeting.

b. Determine eligibility for special education

A determination of eligibility must be made within 45 school days from the date the parent signed the consent for evaluation.

1. Parent is notified of the eligibility team meeting (may be combined with an IEP meeting) (*PARENTAL PRIOR WRITTEN NOTICE*)
2. During the meeting, team members share and discuss all information.
3. Parent presents any additional information.
4. Eligibility or non-eligibility is determined during the eligibility team meeting.
5. Appropriate Eligibility Statement is completed consistent with eligibility team's decision. A copy of the Eligibility Statement must be given to the parent. A second copy should be sent to the psychologist's or primary diagnostician's office for placement in the student's file.
6. If student is eligible for special student services, the special educator (as IEP Committee chair) shall convene a meeting of the IEP Committee including the parent of the student to determine the appropriate educational program for that student based on identified educational needs. This meeting may be held immediately following the meeting of the eligibility team, so long as all required IEP Committee members are present and the parent was given notice of the IEP meeting.

Once a student for the first time has been determined eligible for special education, an IEP meeting must be held within thirty (30) calendar days from the date of eligibility determination.

c. Eligibility

Eligibility criteria for each disability category are defined in applicable provisions of the Nevada Administrative Code, Chapter 388.

NOTE: In making a determination of eligibility, a student may not be determined to be a student with a disability if the controlling factor for such a determination is the student's lack of appropriate instruction in reading or math or limited proficiency in English.

REEVALUATION

In accordance with state and federal regulations, each student receiving special education services will be reevaluated if conditions warrant, or if the student's parent or teacher requests a reevaluation, but at least once every three years ("triennial" evaluation) unless the district and the parent agree that a reevaluation is unnecessary. The Special Education Manager must be consulted before any such agreement is made.

Purposes

Reevaluations of previously identified students with disabilities will be conducted for one or more of the following purposes:

1. Determine whether the student continues to have a disability;
2. Identify the present levels of academic achievement and related developmental needs of the student;
3. Determine whether the student continues to need special education and related services; and
4. Determine whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP and to participate as appropriate in the general education curriculum.

Reevaluation Process

1. *PARENTAL PRIOR WRITTEN NOTICE* must be given of the school's proposal to reevaluate the student's eligibility special education services.
2. Reevaluations must be addressed by the triennial anniversary date. For example, a child found eligible on June 6, 2006, must be reevaluated and the student's eligibility must be reconfirmed on or before June 6, 2009.
3. The combined members of the Eligibility Team and IEP Committee must be contacted by letter, telephone, or in person to ascertain whether they believe additional data or assessments are needed to determine continued eligibility. In general, a meeting of these individuals is used for the purpose of reviewing existing data. Use *REPORT OF EVALUATION RESULTS* to document the review of existing data against the assessment requirements and the determination of whether additional data are needed to address those requirements. If no additional data are needed, the parent must be given *PARENTAL PRIOR WRITTEN NOTICE* of this decision and the reasons for it, including the parent's right to request additional assessments.

See Table 1 for the Combined Members of the Eligibility Team and IEP Committee, per disability category, and Table 2 for the NAC assessments required in an evaluation, per disability category.

A new referral must be completed and *EXPLANATION OF ASSESSMENT PROCEDURES* must be obtained before any new assessments can be conducted. If the parent does not respond to a request for consent, the district may proceed with the reevaluation if the district can document it has taken reasonable measures to obtain consent and the student's parent has failed to respond.

- a. Detailed records of telephone calls made or attempted and the results of those calls.
 - b. Copies of correspondence sent to the parents and any responses received.
 - c. Detailed records of visits made to parent's home or place of employment and the results of those visits.
-
4. Follow EVALUATION AND ELIGIBILITY procedures previously outlined.

Documentation

Upon the completion of the reevaluation and based on the reevaluation results, the eligibility team shall record in writing, whether the student meets the continuing eligibility requirements for his/her present disability category. In making such determinations, the eligibility team shall document in a written Evaluation Report the basis for such determination, including any relevant data or assessment process used for the determination of continuing eligibility. An Eligibility Statement shall also be completed.

INDIVIDUALIZED EDUCATIONAL PROGRAM (IEP)

Placement of a student in any program of special education occurs only after the development of an Individualized Educational Program (IEP). The purposes for developing an IEP are as follows:

Plan the Program	1 To develop an individual program for the student which includes specially designed instruction in areas of disability which adversely affect educational performance;
Facilitate Communication	2 To facilitate communication between parents and school personnel for proper and effective implementation in IEP, for students with disabilities;
Manage Services	3 To serve as a management tool to ensure students receive services as determined by the IEP Committee;
Commit Resources	4 To set forth a written commitment of resources to guarantee a free appropriate public education for the student; and
Evaluate Progress	5 To serve as an evaluation device to determine if the student has reached the goals and objectives developed by the IEP Committee.

The IEP is a written statement for each eligible student describing:

1. Student information data, including eligibility category as determined by eligibility team.
2. Present levels of academic achievement and functional performance, and other relevant developmental areas.
3. Student strengths; parental concerns; and student's interests and preferences.
4. Special factors applicable to students who have needs in the following areas: behavior; limited English proficiency; services for the blind or visually impaired; communication needs for the deaf or hard of hearing; and assistive technology.
5. Transition services.
6. Annual goals and short-term objectives, to include a behavior plan, if necessary.
7. Method for reporting progress.
8. Special education services, supplementary aids and services, and related services required to meet the student's unique needs, including the beginning and ending dates, frequency, and location of the services.
9. Participation in statewide or district-wide assessments.
10. Extended school year services.
11. Placement.

All students who are eligible for special education must have a current IEP.

IEP Meetings

1. Meeting to develop the initial IEP must be held within thirty (30) calendar days from date of initial eligibility determination.
2. Review and revision conducted periodically, but not less than annually. An IEP meeting may be convened for conducting this review, but is not strictly required.
3. Annual review must occur on or prior to the anniversary date of the IEP.

IEP Committee—Minimal Membership

1. LEA Representative: Head of School, NVVA administrator or administrative designee (must hold administration or special education license in Nevada)
 - a. Must be qualified to provide or supervise the provision of specially designed education for children with disabilities.
 - b. Must be knowledgeable about the general curriculum; and
 - c. Must be knowledgeable about the availability of resources of the district.
2. Regular classroom teacher who works with the student or person qualified to teach the student.
3. *Special education teacher.

*** Cannot also serve as LEA representative**

4. Parent of student, or student if 18 or older.
5. The student, beginning at age 14, when transition services will be discussed.
6. A person who is familiar with the tests and other assessments performed on or by the student and their results who can interpret the instructional implications of the results of the evaluation.
7. A person who has personal knowledge about school personnel and options for placement available to provide special education and related services to the student.
8. if transition services are being discussed, representatives of other agencies who are likely to be responsible for paying for or providing transition services. Consent must be obtained from the parent before inviting such persons to participate in an IEP meeting (see *PARENTAL RELEASE/ CONSENT TO RELEASE EXCHANGE CONFIDENTIAL INFORMATION*).
9. If appropriate, a representative of any private school facility. If the representative is unable to attend, records are kept of other methods to ensure participation, including individual or conference telephone calls.

IEP Committee Optional Membership

1. Student at any age - when appropriate
2. Parent advocate/attorney
3. Diagnosticians

4. Related Service Providers (speech/language therapist, OT, PT, counselor, etc.)
5. Interpreter(s) for parent, student or employee, if required
6. Others at discretion of the parent or school district

Parent Participation

1. The case manager will ensure that the parent of an eligible student is present at the IEP meeting or is afforded the opportunity to participate by scheduling the meeting at a mutually agreed upon time and place.
 - a. Written notice of the purpose, date, time and location of the committee meeting must be given sufficiently far in advance of the meeting to enable the parent to make arrangements to attend (see *PARENTAL PRIOR WRITTEN NOTICE /NOTIFICATION OF MEETING*). In order to satisfy the requirement to provide a copy of parent rights at least once per year, a copy of parent rights will be sent to parents with notification of each annual IEP meeting.
 - b. If parent does not acknowledge receipt of the first notice, two additional notices shall be sent. If there is still no response, the school shall attempt to notify parent by telephone.
 - c. If the parent is unable to attend the committee meeting in person, the school shall use reasonable efforts to secure participation in the meeting by written, telephonic or other means.
 - d. Copies of all *PARENTAL PRIOR WRITTEN NOTICE /NOTIFICATION OF MEETING* forms sent for any reason will be maintained in the student's IEP file.
2. Case manager shall document all reasonable efforts to contact parent. (see *CONTACT RECORD SHEET*), Indicate all letters, phone calls, and or personal contacts.
 - a. Keep record of all attempts within the student's special education file.
3. If necessary, IEP Committee shall meet without parent in attendance only **after one of the following circumstances is documented:**
 - a. Parent does not respond to three (3) written notices, and at least one (1) telephone contact as documented in detail.
 - b. Parent agreed to an appointment (confirmed by signature on notice to parent or notation in the file based on other communication with the parent) and does not show for appointment (or call to explain absence and reschedule). "No Show" must be documented.

A copy of any IEP developed without the presence of the parent must be sent home, with a letter of explanation. The letter should detail the reasons why the IEP meeting was held, and advise the parent that they may request another IEP meeting if they wish. Additionally, the parent must be given *PARENTAL PRIOR WRITTEN NOTICE* of the district's intent to implement the IEP if an IEP was developed without the presence or consensus of the parent.
4. Federal and state law permit the NVVA and the parent to agree:
 - a. ~~that the participation of an IEP committee member is not necessary if that person's area~~
of curriculum or related services is not being modified or discussed in the meeting; or

- b. that an IEP committee member whose area of curriculum or related services IS being modified or discussed in the meeting (the member must submit written input to the parents and the IEP committee prior to the IEP meeting); or
- c. that an annual IEP may be revised without convening an IEP meeting.

See *PARENT AGREEMENT AND CONSENT* No staff member in NVVA may enter into any of these agreements with parents without prior approval from the NVVA Administration/ SPED Mgr..

Preparation for IEP Meeting—Case Manager

1. Notify committee members of date and time.
2. Ensure all necessary confidential information is available to committee members prior to meeting.
3. If a draft of the goals/objectives is to be utilized, ensure that the parent has a copy clearly marked as "DRAFT" at least five days prior to the meeting.

IEP Development Procedure

1. The case manager shall chair the IEP meetings and ensure the following procedures are implemented:
 - a. Complete student information data section on IEP.
 - b. Review Evaluation Report and Eligibility Statement.
 - c. Ensure that committee members present sign IEP.
 - d. Review procedural safeguards with parent. A copy of the procedural safeguards was sent with notice of the IEP meeting—if the parent has this copy another copy need not be given unless the parent requests a copy.
 - e. Make arrangements to obtain additional information if IEP Committee determines that available information is inadequate for some reason.
 - f. As useful or necessary, the *CONFERENCE SUMMARY SHEET* may be completed to record details of any meeting which does not result in a revision to an IEP, or other document. Note that actual IEP decisions MUST be recorded as revisions to the IEP.
2. Where to start?
 - a. One of the first decisions that the committee has to make in developing and implementing the IEP is where to start. This process involves deciding which needs require major emphasis and which needs require minor emphasis. The following is a list of critical areas to consider in making this important decision:
 1. What are the priority parental concerns?
 2. What are the priority teacher concerns?
 3. What are the requirements for access to and progress in the general curriculum?
 4. What are the appropriate developmental sequences of tasks or behaviors that the child would be expected to move through?
 5. Other crucial considerations such as behavior problems, social and peer relationships, etc.
 - b. For each of the major areas of need indicated by the present level of academic achievement and functional performance, the special educator must write an annual goal

statement. The number of goal statements needed is dependent upon the student's needs and may range from one to many.

3. IEP Development

The IEP chairperson, with the input of all committee members, develops the goals and objectives of the IEP during the IEP meeting. The first task of the committee in the planning function is to review the information gathered during the student evaluation process. Using this information, the committee should complete the IEP in accordance with the Nevada Department of Education Guidelines for IEP Development (included as an appendix to this Special Education Procedures Manual) and the specific technical assistance guidance provided by NVVA in staff training.

4. Legally and Educationally Sound IEP's

Educational objectives and services include both instructional objectives and related services that are required for meeting the unique needs of the student and are derived from a careful evaluation of the student and his/her environment through the evaluation process.

The IEP Committee should take time to develop a **defensible** IEP; that is, one that is legally and educationally sound. A sound IEP is one that:

- a. Demonstrates attention to the *individual* needs of the student;
- b. Is calculated to provide meaningful educational benefits to the student (as shown in part by well-designed annual goals and short-term objectives);
- c. Includes appropriate related services;
- d. Provides placement in the least restrictive environment (with his/her non-disabled peers) so as to meet his/her educational needs;
- e. Considers the use of supplementary aids and services to assure placement in the least restrictive environment;
- f. Provides appropriate accommodations and modifications that the student needs to participate with other students in all school settings; and
- g. Documents (together with other forms in the student's confidential file) that all procedural safeguards (written consent, prior written notice, notification of rights, parental involvement, etc.) have been provided.

5. Additional Information

a. Length of School Day

If the school day is to be modified, indicate the parameters of the modified day on the section for Supplementary Aids and Services. List the reasons why the day has been modified. Length of school day should only be modified if all committee members agree that it is necessary to provide the student with a free appropriate public education.

Any changes made to the length of the child's school day must be accompanied by a plan to reconsider those changes at regular intervals. It is the position of the district that any such modifications are not permanent and efforts will be made to bring the child's school day back into line with others of the child's age or grade level as soon as it is feasible

b. Assistive Technology

Assistive technology includes devices and services as part of specially designed instruction, related service, or supplementary aids and services. If a related service, the student must require the device to assist him or her to benefit from special education services.

Assistive technology devices are used to increase, maintain, or improve the functional capabilities of the student. Routinely, items such as wheelchairs, walkers, hearing aides, glasses, and medical devices, do not fall into the district responsibility area. There are exceptions. Please contact the Special Education Manager if there is such a request. If the school purchases the device it is, and will remain, school property. Location of device will be addressed in IEP.

6. Extended School Year

Provision of ESY services is an IEP Committee decision that involves appropriate school personnel and the parents. ESY services are defined as special education and related services provided in addition to the normal 180-day school year for the purpose of minimizing significant regression of identified skills and for enhancing recoupment of those skills when the regular school year resumes. These identified skills may involve areas of learning related to self-sufficiency, academic, social and/or emotional skills.

There are no specific standards set forth in IDEA for determining when ESY services are needed. Regression and the speed of recoupment are factors for the IEP committee to consider while making the decision. Regression is defined as the loss of previously mastered skills when an extended break in instruction occurs. The recoupment of those skills is defined as the ability to regain a skill within a reasonable period of time to previously achieved levels prior to an extended break in instruction. Regression could be considered significant if the student takes more than four to six weeks to relearn skills mastered the previous year. The IEP committee might base its decision regarding ESY services upon a history of regression during summer months.

Regression and recoupment are not the only standards upon which to base a decision of the need for ESY services. Other factors that need to be considered by the IEP Committee include the severity of the student's disability; a review of the student's progress over time; a determination that the student is at a critical learning stage; any information available to the IEP Committee relating to the student's behavior or physical needs; or curricular areas that are of significant concern for the individual student. It is important to remember that ESY services are based upon the individual needs of the student.

Steps for making and documenting ESY decisions are as follows:

- a. Provision for ESY is determined annually and is an IEP Committee decision.
- b. ESY services are designed to maintain acquired skills. New goals and objectives are not added to a student's IEP for implementation in the ESY program unless those goals and objectives are determined by the IEP Committee to be necessary to maintain the skills, behaviors, or other student performance for which ESY services are designed.
- c. If related services, such as occupational therapy, physical therapy, and/or speech and language therapy, are being considered, the appropriate professional must be involved in the IEP decision-making. The need for specific related services must be documented, and must be required for the student to benefit from his or her special education program. The fact that

a student currently receives related services does not, in itself, guarantee that the services will be required during ESY.

- d. The IEP Committee should identify the specific goals to be addressed during ESY instruction, if the student requires more than four to six weeks at the beginning of the school year to regain previously mastered skills, an ESY program should be considered.
- e. The IEP Committee decisions concerning ESY are documented on the IEP which will if deemed appropriate will generate an addendum ESY IEP.

ESY is not the same as summer school, which refers to educational programming made available to students for enrichment or remedial purposes. A student with a disability who meets the criteria for a summer school program may attend that program without regard to a specific need for ESY. However, unless the student needs the regular summer school program to implement the IEP or for compensatory education purposes, the parent must pay any fees that apply to all students enrolled in the program. ESY, on the other hand, must be provided at no cost to the student's parent.

Related services shall be provided to the child during ESY when necessary to support the goals and objectives being implemented during the program.

7. Related Services

Related Services are those services that are required to assist the student to benefit from the special education services needed by the student. Related services are to be provided as a part of a student's special education program as determined by the students IEP committee.

- a. Audiology. Audiology is a related service that includes identification of children with hearing loss and determination of the range, nature, and degree of the hearing loss. Audiology services also include referrals for medical or other professional attention relative to the habilitation of hearing. The Audiologist will provide information and guidance regarding hearing loss, determination of the student's need for group and individualized amplification, assistance in selecting and fitting of an appropriate aid, and evaluation of the effectiveness of amplification.

A referral is made to the Head of School or Special Ed. Manager

- b. Speech Therapy. Speech therapy includes the identification of children with speech or language impairments; diagnosis and appraisal of specific speech and language impairments; referrals for medical or other professional attention necessary for the habilitation or prevention of communicative impairments, and counseling and guidance of parents, children and teachers regarding speech and language impairments.

A referral is made to the Head of School or Special Ed. Manager

- c. Physical Therapy. Physical Therapy is a related service that develops programs for the care of students whose ability to function is impaired. It focuses primarily on children with neurodevelopment problems in the school. The physical therapist's function in the educational setting is to prepare the student for meeting educational demands of educators.

Referrals for evaluation and/or service are made through the Head of School or Special Ed. Manager.

- d. Occupational Therapy. Occupational Therapy is a related service designed to improve, develop, or restore functions that have been either impaired or lost through illness, injury, or

deprivation. Occupational Therapy improves the student's ability to perform tasks for independent functioning if certain functions are impaired or lost; and helps prevent, through early intervention, initial or further impairment or loss of function.

A referral is made to the Head of School or Special Ed. Manager.

- e. Counseling. Counseling Service are services that are provided by qualified psychologists, guidance counselors, or other qualified personnel. The IEP Committee will address the needed service or activities that apply therapeutic process to personal, family, or situational problems in order to bring about positive resolution for the student.

The IEP Committee will address the needed counseling on a case-by-case basis for these related services.

- f. Transportation. Nevada Virtual Academy does not transport students. To ensure FAPE it is the policy of NVVA to reimburse (*See PARENT REIMBURSEMENT FORM*) parents in accordance to IRS(IR-2008-82, June 23, 2008) when providing related services addressed in the IEP. The school will find a licensed service provider as close to the student's home as possible. If the parent requests a different provider every effort will be made to accommodate the request. If that service provider is farther than one currently providing contracted services the parent would not be able to seek reimbursement. The mileage will be calculated on an electronic map search "Google". The school will check for accuracy and approve. Reimbursement will be on a quarterly school basis (ie. after each grade reporting period).

- g. State Assessments. In accordance with No Child Left Behind (NCLB) students will be required to take state assessments. Accommodations to these tests are placed in the IEP (*see IEP ACCOMMODATIONS FORM – NPEP,*). Tests may be in, but not limited to:

- Criterion Referenced Testing (CRT)
- Norm Referenced Testing (NRT)
- High School Proficiency Tests (HSPE)

Interim IEP

Thirty-day interim IEP placement status is reserved for special education students who transfer to NVVA from another school district in Nevada, or from out-of-state, but for whom no IEP is available. If an IEP is available, the procedures for providing comparable services are used as described in the "Transfer Students" provisions (see Referral section).

The 30-day interim IEP allows for immediate services in the special education services program while records from the previous district are requested and while any necessary additional assessments are conducted if eligibility must be determined for an out-of-state student. It is the responsibility of the school psychologist or other primary diagnostician to monitor progress so that determination of the student's eligibility in Nevada can be made by the ET team within the 30 day period.

Note: If a student who was enrolled in a special education program in NVVA leaves the school, then re-enrolls with NVVA within a year, the student may again receive special education services with no additional assessment required. A new IEP is developed with the student's recent transfer and educational history taken into consideration.

When developing an interim IEP, the case manager is responsible for the following steps dealing with prior special education eligibility:

1. The case manager should check with the registration or Head of School/SPED Mgr. to gain accessibility to all pertinent records;
2. Verify prior eligibility for special education services;
3. Verify enrollment in a program of special education;
4. Confirm out-of-district placement from two sources (phone call to previous district, parent report, or special education records hand-carried by the parent from the previous district); and
5. Secure the parent/guardian signatures for the necessary IDEA paperwork, including the exchange of information.

The interim IEP is valid for only thirty (30) calendar days, during which time eligibility for services must be determined for an out-of-state student, and a complete NVVA IEP must be written (for in-state or out-of-state students). Interim IEP's cannot be extended for any reason, and the student cannot receive special education services without a current, valid IEP.

ANNUAL REVIEW MEETING

Purpose

A student's IEP must be reviewed at least annually.

1. Assess progress using individual achievement tests, as well as other measures of achievement.
2. Evaluate progress on annual goals and short-term objectives.
3. Develop the student's education plan for the upcoming year.

Schedule Annual Review

1. Notify parent of annual review meeting using *PARENTAL PRIOR WRITTEN NOTICE* if specific proposals are planned for FAPE or placement. Send Parent Rights document with *PARENTAL PRIOR WRITTEN NOTICE*.
2. If a draft IEP is to be used, ensure that the parent receives a copy at least five days before the scheduled annual review meeting.
3. IEP annual review meeting must be on or before the anniversary date. For example, a child whose IEP was written on September 2, 2007, will have to have a new IEP in place on or before September 2, 2008. Eligibility team members need to be present if student's disability category is being changed or reviewed follow Evaluation and Eligibility and IEP procedures.
4. All other procedures for IEP development must be followed as outlined in this document.
5. Provide a copy of IEP to parent.

IEP Revision

If circumstances change relative to the program specifically designed for the student, the IEP must be revised through the IEP process. The following circumstances would necessitate a revision:

1. A change in the amount of time that the student is spending in special education.
2. A change in the type of program.
3. Achievement of the current goals and objectives that would necessitate writing new goals and objectives for the student.
4. Addition, change to, or deletion of a related service.
5. A change from one level to another, as from elementary school to middle school and middle school to high school that requires changes in the IEP.

Revision of a student's IEP does not change the current date of review of the IEP.
Only completion of a full IEP changes that date.

Exit IEP

When a student is ready to exit the special education program for any reason (e.g., no longer eligible, student reaches maximum age, graduation) an IEP meeting is scheduled with the parents and the student's current level of performance will be reviewed. Note that only an Eligibility Team reevaluation process can determine that a student is no longer eligible for special education—this is not an IEP Committee decision. Except for turning 22 or graduating with a regular diploma, other determinations that the student is no longer eligible require a reevaluation (see below).

Parents must be given notice of the purpose for this IEP meeting and provided with an explanation of their rights. Careful attention should be paid to the following:

1. It is absolutely essential that parents are involved in decisions relative to cessation of special education services.
2. Include all information on the student for this reevaluation: parent observation, classroom work, assessments/observation, etc.
3. Parental rights.
4. Student progress toward annual goals and short-term objectives.
5. The effect upon the student if exited from the special education program.

Discontinuation of Special Education Services Through Termination of Eligibility

1. See reevaluation procedures outlined previously, paying particular attention to the requirements for prior written notice and review of existing data to determine whether additional data are needed.
2. Parent must be provided notice of eligibility team meeting (*PARENTAL PRIOR WRITTEN NOTICE*—note that this *PARENTAL PRIOR WRITTEN NOTICE* should provide notice of the proposal to determine the student's eligibility).
3. Eligibility team meeting must be held and include:
 - a. Evaluation of progress toward annual goals.
 - b. Review of recent evaluations and progress in general curriculum.
 - c. Statements concerning levels of functioning and rationale for why student is either no longer has a disability and/or is no longer in need of special education (student must both have a disability and require special education in order to be eligible for services).
4. Evaluation Report and Eligibility Statement must be completed, stating that the student is no longer eligible for special education. Copies must be given to parent.
5. Parent must be provided notice of proposed change in eligibility after the student has been determined not to be eligible (*PARENTAL PRIOR WRITTEN NOTICE*). This notice is required even if parents participated in and agreed with the decision that the student is no longer eligible. Check box "proposing" and "other." Add a statement "termination of special education services because student is no longer eligible." If parent disagrees, review the statement of parent rights with the parent.

Placement decisions in NVVA are only made at the IEP meeting with parental involvement. SEE *PARENTAL CONSENT FOR PLACEMENT*)

Removal From Regular Education Environments

Alternative Instructional Arrangement

Nevada Virtual Academy's student's classroom setting is considered the home. The procedure for placement in an alternative instructional arrangement in the school can only occur through the IEP committee and must be based on the educational goals and services needed. This will be addressed in the IEP before the 10th cumulative school day (which includes partial day) removal. Student will be provided a AIA and a Behavioral Intervention plan will be developed as part of an addendum to the current IEP. (see *BEHAVIORAL INTERVENTION PLAN*).

IEP Implementation

1. Implementation of the IEP must and will take place immediately after completion of the entire IEP process to comply with IDEA. IN ADDITION NVVA WILL ENSURE (1) THE IEP COMMITTEE WILL DEVELOP AND IMPEMET AN IEP FOR A STUDENT NO LATER THAN 30 DAYS AFTER THE INITIAL DETERMINATION OF ELIGIBILITY; (2) AN INTERIM IEP IS DEVELOPED AND IMPLEMENTED FOR ONLY 30 DAYS; (3) THAT NVVA WILL ENSURE THAT AN IEP IS IN EFFECT AT THE BEGINNING OF EACH SCHOOL YEAR.

2. CONTINUUM OF SERVICE DELIVERY:

Type of Contact	How it will be delivered	Variables	Appropriate for:	Other:
Large group	Telephone, email and/or web based conferencing tools	Time on telephone, amount of email communication, time in Elluminate, levels of accommodations and modifications	At risk students, some students with NVVA (ie: parent needs suggestions on dealing with ADD)	These families will be invited to parent training workshops on areas of need.
Small group contact	Telephone, email and/or web based conferencing tools. Direct services to 2-3 students with learning coach present	Time in group setting, time modeling to teaching adult/student. Time and intensity of services is dependent on the unique needs of the student as determined by the IEP team.	Some students with similar learning disabilities, some students with mild forms of autism, students who would benefit from a group setting, at risk students	These families will be invited to parent training workshops on areas of need.
Individual Contact	Telephone, email and/or web based conferencing tools. Direct one on one contact with student and learning coach.	Time with student/time with learning coach and combination of both. Intensity of time/services is dependent on the unique needs of the student, as determined by the IEP team.	Student who does not do well in group setting, student with more severe needs than small group student	These families will be invited to parent training workshops on areas of need.

Face to Face (direct, individual services)	Direct contact with student by therapist and/or special education teacher	Time/type of services, intensity of needs as determined by the IEP team	Student who requires related services and has such intensive need for specially designed instruction that can not be replicated through telephone, email and/or web based conferencing tools. This would be most appropriate for those taking the alternate assessment or having a low incidence disability.	These families will be invited to parent training workshops on areas of need and may also have individualized workshops created as necessary.
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PROCEDURE TO TRANSFER STUDENT BACK TO HOME DISTRICT (Rev. 12/08)

If the governing body of Nevada Virtual Academy determines the school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled at the school, the governing body of NVVA may request that the school district of residence of the student transfer the student to an appropriate school. NVVA's governing body would request that the pupil be transferred pursuant to subsection 4 of NRS 386.580. The following would be undertaken: (1) the governing body of NVVA shall submit the request to the district within 10 days after the governing body of NVVA determines that the school is unable to provide an appropriate special education program and related services for the student; (2) the request to the district is accompanied by an explanation of the facts and circumstances that let the governing board to determine that the school is unable to provide the appropriate special education program and related services for the student; and (3) a person employed by the governing body will be designated to verify to the district that the information submitted to the school district pursuant to NAC 386.605 has gathered in a format required by the school district.

FINAL REVIEW OF IEP FOR PURPOSE OF PLACEMENT

The IEP Team will review IEP and determine appropriate placement considerations. The IEP will determine percentage of time in the regular education environment. A statement of jurisdiction for placement involving removal from regular education environments will be developed and written. This justification will explain why the IEP goals and objectives can not be implemented in the regular education environments, including the reasons why the team rejected a less restrictive placement. A final statement of recognized harmful effects on the learning of the IEP student of other students which will affect the placement will be written.

PARENTAL CONSENT – INITIAL PROVISION OF SEPCIAL EDUCATION AND RELATED SERVICES must be signed before services are provided for the first time. Thereafter, consent is not necessary unless the student experiences a lapse in eligibility.

Data Collection and Federal Indicators

Throughout the year Nevada Virtual Academy will be required to collect data on a number of areas and provide those to the NDE. This data is used to meet State and Federal reporting requirements, and may include but, are not limited to, the following:

- Count of Students Eligible for Special Education Services
- Personnel Employed to Provide Special Education
- Initial Evaluation Timelines
- Report of Students with Disabilities Exiting the Educational System
- Excess Cost Computation
- Child Identification Activities
- Disciplinary Removal Data

Nevada Virtual Academy will participate in mandatory annual NDE compliance monitoring activities. The parent will be provided an explanation of reporting (*see RESPONSE TO SCIENTIFIC, RESEARCH-BASED INTERVENTION STATEMENT.*)

No student may be placed in special education or have changes made to his/her educational program or placement without going through the IEP process.